Notice of Allowability	Application No. 10/680,507	Applicant(s) JACOBY, RONALD	
	Examiner CHARLES C. AGWUMEZIE	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *communication filed october 26, 2007*.
2. ☐ The allowed claim(s) is/are *1-4,6-14 and 16-30*.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 26, 2007 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas R. Marquis on January 19, 2008.

Acknowledgments

3. Applicants amendment filed on October 26, 2007 is acknowledged. Accordingly claims 1-4, 6-14, 16-30, remain pending and are allowed subject to the examiner's amendment.

4. The Application has been amended as follows:

1. (Currently amended) A method for streaming a streaming media file from a server to a client player for consumption of the steaming media file at the client player, the method comprising:

transmitting a metering uniform resource locator (URL) from a first server to a client player over a network, wherein the metering URL includes a timestamp as a base reference time for measuring a time period in which the metering URL is valid;

identifying, using the metering URL, a path to a user meter that meters receipt of metadata embedded in the streaming media file at select time locations;

streaming the streaming media file from a second server to the client player over the network;

receiving an embedded metering event comprising a decrement amount in the streaming media file at the client player, wherein the embedded metering event is a portion of the metadata;

~~identifying in the embedded metering event a decrement amount indicating an amount of time that the user meter is to be decremented when ticked to calculate consumption of the streaming media file by the client player based on the decrement amount; and~~

appending the metering event to the metering URL by the client player to create a new metering URL;

transmitting the new metering URL to the remote first server

~~ticking the user meter in the first server based on receipt of the streaming media file and the embedded metering event~~

receiving the decrement amount from the new metering URL; and

ticking the user meter in the first server, wherein ticking comprises decrementing the user meter by the decrement amount.

2. (Original) The method of claim 1 wherein the metering URL is communicated over a first network link and the streaming media file is communicated over a second network link.

3. (Previously presented) The method of claim 1 further comprising transmitting a second metering URL from the first server to the client player over the network, if the decrement amount is received at the user meter within the time period in which the metering URL is valid, wherein the second metering URL identifies the path to the user meter, and wherein the second metering URL includes a second timestamp as a second base reference time for measuring a second time period in which the second metering URL is valid.

4. (Original) The method of claim 2 further comprising communicating a client media player from the first server to the client player.

5. (Cancelled) ~~The method of claim 1 wherein the ticking step occurs in the first server.~~

6. (Currently amended) The method of claim 1 further comprising:

~~appending a representation of the encountered embedded metering event to the metering URL to form an appended representation;~~

~~communicating the appended representation from the client player to the first server; and~~

decrementing a user account based on the ~~appended representation~~ decrement amount.

7. (Currently amended) The method of claim 6 further comprising stopping the streaming step if the ~~appended representation~~ new metering URL is not communicated from the client player to the first server within a predetermined time.

8. (Original) The method of claim 6 further comprising signing the metering URL with a message authentication code (MAC).

9. (Original) The method of claim 8 further comprising:

verifying the authenticity of the URL in the first server; and

stopping the streaming step if the URL is not verified.

10. (Original) The method of claim 8 wherein the MAC is an MD5 hash or a SHA1 hash.

11. (Currently amended) A ~~computer program product stored on a~~ computer-readable storage medium storing computer readable instructions that cause a

computing system to perform a plurality of operations, including ~~for streaming steaming media file to a client media player, the computer program product comprising~~:

~~code for~~ transmitting a metering uniform resource locator (URL) from a first server to a client player over a network, wherein the metering URL includes a timestamp as a base reference time for measuring a time period in which the metering URL is valid;

~~code for~~ identifying, using the metering URL, a path to a user meter that meters receipt of metadata embedded in the streaming media file at select time locations;~~, and~~

~~code for~~ streaming the streaming media file from a second server to the client player over the network;

~~code for~~ receiving an embedded metering event comprising a decrement amount in the streaming media file at the client player, wherein the embedded metering event is a portion of the metadata;

~~code for identifying in the embedded metering event a decrement amount indicating an amount of time that the user meter is to be decremented when ticked to calculate consumption of the streaming media file by the client player based on the decrement amount; and~~

appending the metering event to the metering URL by the client player to create a new metering URL;

transmitting the new metering URL to the remote first server

~~code for ticking a user meter in the first server based on receipt of the streaming media file and the embedded metering event~~

receiving the decrement amount from the new metering URL; and

ticking the user meter in the first server, wherein ticking comprises decrementing the user meter by the decrement amount.

12. (Currently amended) The ~~computer program product~~ computer-readable storage medium of claim 11 wherein the metering URL is communicated over a first network link and the streaming media file is communicated over a second network link.

13. (Currently amended) The ~~computer program product~~ computer-readable storage medium of claim 11 wherein the instructions further cause the computing system to perform the operation of ~~further comprising code for~~ transmitting a second metering URL from the first server to the client player over the network, if the decrement amount is received at the user meter within the time period in which the metering URL is valid, wherein the second metering URL identifies the path to the user meter, and wherein the second metering URL includes a second timestamp as a second base reference time for measuring a second time period in which the second metering URL is valid.

14. (Currently amended) The ~~computer program product~~ computer-readable storage medium of claim 12 further comprising ~~code~~ instructions for communicating a client media player from the first server to the client player.

15. (Cancelled) ~~The computer program product of claim 11 wherein the code for ticking executes in the first server.~~

16. (Currently amended) The ~~computer program product~~ computer-readable storage medium of claim 11 further comprising instructions for:

~~code for appending a representation of the encountered embedded metering event to the metering URL to form an appended representation;~~

~~code for communicating the appended representation from the client player to the first server; and~~

~~code for~~ decrementing a user account based on the ~~appended representation~~ decrement amount.

17. (Currently amended) The ~~computer program product~~ computer-readable storage medium of claim 16 further comprising ~~code~~ instructions for stopping the ~~code for~~ computing system from performing the operation of streaming ~~from executing~~ if the ~~appended representation~~ new metering URL is not communicated from the client player to the first server within a predetermined time.

18. (Original) The computer program product of claim 16 further comprising signing the metering URL with a message authentication code (MAC).

19. (Original) The computer program product of claim 18 further comprising:

code for verifying the authenticity of the URL in the first server; and

code for stopping the code for streaming from executing if the URL is not verified.

20. (Original) The computer program product of claim 18 wherein the MAC is an MD5 hash or a SHA1 hash.

21. (Currently amended) A method for streaming a streaming media file to a client player, the method comprising:

transmitting a metering uniform resource locator (URL) from a first server to a client player over a network, wherein the metering URL includes a timestamp as a base reference time for measuring a time period in which the metering URL is valid;

identifying, using the metering URL, a path to a user meter configured to meter receipt of metadata embedded in the streaming media file at select time locations,

streaming the streaming media file from the first server to the client player over the network;

receiving an embedded metering event comprising a decrement amount embedded in the streaming media file at the client player wherein the embedded metering event is a portion of the metadata;

~~identifying in the embedded metering event a decrement amount indicating an amount that the user meter is to be decremented when ticked; and~~

appending the metering event to the metering URL by the client player to create a new metering URL;

transmitting the new metering URL to a remote second server

~~ticking the user meter in a second server based on receipt of the embedded metering event~~

receiving the decrement amount from the new metering URL; and

ticking the user meter in the second server, wherein ticking comprises decrementing the user meter by the decrement amount.

22. (Currently amended) A streaming media system for streaming a streaming media file from a server to a client browser for consumption of the steaming media file at the client browser, the system comprising:

a client browser configured to tick a user meter that meters receipt of metadata embedded in the streaming media file at select time locations;

a first server configured to communicate a metering uniform resource locator (URL) from the first server to the client browser over a network, wherein the metering URL includes an argument that identifies a path to a user meter at a network location other than the client browser, and wherein the metering URL includes a timestamp as a base reference time for measuring a time period in which the metering URL is valid; and

a second server configured to communicate the streaming media file from the second server to the client browser over the network; wherein the streaming media file includes at least one embedded metering event at a selected time location within the streaming media file, wherein the at least one embedded metering event is a portion of the metadata, and wherein the at least one embedded metering event includes a decrement amount indicating an amount of time that the user meter is to be decremented when ticked, and wherein the client browser is configured to tick the user meter in response to receiving the metering URL from the first server and the at least one embedded metering event from the second server, and wherein the client browser appends the metering event to the metering URL to create a new metering URL that is transmitted to the remote user meter, which receives the decrement amount from the new metering URL and is ticked by being decremented by the decrement amount.

23. (Original) The system of claim 22 further comprising a third server configured to generate the user meter.

24. (Original) The system of claim 22 wherein the client browser includes a client media player configured to play the streaming media file; and wherein the client media player playing the streaming media file encounters the embedded metering event and appends the embedded metering event to the metering URL.

25. (Currently amended) The system of claim 24 wherein:

the client browser is configured to append the embedded metering event to the metering URL to form ~~an appended representation~~ the new metering URL and communicate the ~~appended representation~~ new metering URL to the first server; and

the first server is configured to ~~decrements~~ decrement a user account.

26. (Original) The system of claim 22 wherein the metering URL is signed with a message authentication code (MAC).

27. (Original) The system of claim 26 wherein the MAC is an MD5 hash, a SHA1 hash, or a ghost key.

28. (Currently amended) A streaming media system wherein a media presentation is streamed to a client system while tracking usage of the media presentation by the client system, the system comprising:

a mediaframe server that transmits a metering uniform resource locator (URL) to a client player over a network, wherein the metering URL includes an argument that identifies a path to a usage meter that meters receipt of metadata embedded in the streamed media presentation, and wherein the metering URL includes a timestamp as a base reference time for measuring a time period in which the metering URL is valid;

a client player that is programmed ~~configured~~ to present to a user the streamed media presentation;

a streaming server programmed ~~configured~~ to transfer the streamed media presentation to the client player, including embedded metering events represented by the metadata in the streamed media presentation, wherein the embedded metering events are dispersed at select time locations in the streamed media presentation, and wherein the embedded metering events include decrement amounts indicating amounts of time that the usage meter is to be decremented when ticked;

an extractor, at the client system, programmed ~~configured~~ to extract the embedded metering events from the streamed media presentation, append each metering event to the metering URL to create a new metering URL, and send ~~them~~ the new metering URL to the remote usage meter;

~~logic at~~ the usage meter programmed ~~configured~~ to adjust a user account based on each decrement amount in the received-metering ~~events~~ event; and

~~control logic~~ a controller programmed ~~configured~~ to discontinue the media presentation if the time period lapses such that the metering URL is no longer valid.

29. (Currently amended) A method for streaming a streaming media file for consumption of the steaming media file by a client player, the method comprising:

transmitting a metering uniform resource locator (URL) to the client player over a network, wherein a target specified in the metering URL is a user meter at a network location other than the client player and wherein the user meter meters consumption of the streaming media file by the client player;

embedding a metering indicator in the streaming media file to create an embedded streaming media file, wherein the metering indicator includes a decrement amount indicating an amount of time that the user meter is to be decremented when ticked;

streaming the embedded streaming media file to the client player over the network;

receiving at the user meter the embedded metering indicator appended to the metering URL by the remote client player; and ticking the user meter server based on receipt of the embedded metering indicator, wherein ticking comprises decrementing the user meter by the decrement amount.

30. (Previously Presented) The method of Claim 29, further comprising:

verifying an authenticity of the metering URL that is received at the user meter, based on at least one message authentication code (MAC) applied to at least one of the following; the metering URL and the embedded metering indicator appended to the metering URL; and

stopping the streaming step if the metering URL is not verified.

5. Claims 1-4, 6-14, and 16-30, are allowed.

Reasons for Allowance

6. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is Rouse U.S. Patent Application Publication No. 2003/0158816 A1.

7. Regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." In re Glaug F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-19 of the specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings, ... the inventor's lexicography must prevail...." Id. Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

8. The primary reference Rouse (U.S. Patent Application Publication No. 2003/0158816 A1) teaches a software system and a method for a Internet-based content Billing and Protection system capable of both selling and delivering in real-time protected content such as a live or archived on-demand webcast on the internet to a client using dynamically generated web pages and encoded links that cannot be bookmarked, copied, displayed, exported or otherwise made public to the client or a subscriber by the web browser, Players, Browser plug-ins or other client side programs.

The invention operates on a web server while the protected content can reside on any content server, including a streaming media webcast server such as windows media services webcast server. Compensation of consumed media files and billing in Rouse is not based on a metering event in a media stream, but is based a metering means where the time period for billing is "estimated to be the duration of the Client Side Player connection to the Protected URL. Metering events relate actual time of use of a streaming media file and not to an estimated time of use. Rouse discusses an alternative metering means configured for "actual metered use of Content" while at the same time restricting the customer access to such Content.

Rouse however does not at least teach or suggest a method for streaming media file to a client comprising:

transmitting a metering uniform resource locator (URL) from a first server to a client player over a network, wherein the metering URL includes a timestamp as a base reference time for measuring a time period in which the metering URL is valid; identifying, using the metering URL, a path to a user meter that meters receipt of metadata embedded in the streaming media file at select time locations; streaming the streaming media file from a second server to the client player over the network; receiving an embedded metering event comprising a decrement amount in the streaming media file at the client player, wherein the embedded metering event is a portion of the metadata; appending the metering event to the metering URL by the client player to create a new metering URL; transmitting the new metering URL to the remote first server; receiving the decrement amount from the new metering URL; and ticking the user meter in the first server, wherein ticking comprises decrementing the user meter by the decrement amount.

Moreover, the missing claimed elements from Rouse are not found in a reasonable number of reference(s). Yet even if the missing claimed elements were found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would not have been motivated to include these missing elements in an embodiment in the Rouse's disclosure because: such would have changed the basic working principles and the operation of Rouse which is silent on metered use of content based on metering information such as metering event, embedded in a streaming media file including extracting the embedded decrement amount from the streaming media file and decrementing the user meter by the decrement amount.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. The prior arts made of record and not relied upon is considered pertinent to applicants disclosure.

- Romansky (U.S. Patent No. 7,222,105 B1) discloses Internet advertisement metering system and method.
- Incenttis Carro (U.S. Patent Application No. 2004/0139469 A1) discloses system and method for enhancing broadcast programs with information on the world wide web.
- Mears et al (U.S. Patent Application Publication No. 2005/0054285 A1) discloses method and apparatus to adaptively gather audience information data.
- Archibald et al (U.S. Patent No. 5,825,883) discloses method and apparatus that accounts for usage of digital applications.
- Batty (U.S. Patent Application No. 2002/0107701 A1) discloses systems and methods for metering content on the internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Andrew Fischer** can be reached on **(571) 272 – 6779**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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January 21, 2008.